



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,762	10/23/2003	John Lawrence Colley	DOMINION 2	6688
31704 7590 05/11/2010 Thomas, Raring, & Teague, P.C. 536 GRANITE AVENUE RICHMOND, VA 23226				
EXAMINER				
LUBIN, VALERIE				
ART UNIT		PAPER NUMBER		
3626				
MAIL DATE		DELIVERY MODE		
05/11/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/691,762

Applicant(s)

COLLEY ET AL.

Examiner

VALERIE LUBIN

Art Unit

3626

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/22)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Acknowledgements

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

2. Claims 1-3 and 5-10 are pending.

For reference purposes, the document paper number is 20100507.

Response to Arguments

3. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

4. The rejection of claim 1-10 under 35 U.S.C 101 is withdrawn in light of Applicant's amendments
5. The rejection of claims of claim 1-10 under 35 U.S.C. 112 2nd paragraph is maintained for claims 1-3 and 5-10.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-3, and 5-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
8. Claim 1 recites assigning a standard value to an insurance product, calculating a value index for a selected alternative product and comparing the index value of the alternative product to the standard insurance product. The claim is indefinite as it is unclear if the standard value and the index value are of the same format or range. The claim should indicate that the standard value is of the same kind, format or range as the calculated index value.

Claims 2, 3 and 5-10, as dependents of claim 1 are rejected under the same analysis.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-3 and 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan et al. U.S. Patent No. 5,655,085 in view of Buckner et al. Pre-Grant Pub No. 2003/0236685.

11. With respect to claim 1, Ryan teaches a method comprising the step of selecting one or more insurance products with different features but meeting certain criteria (Col. 18 lines 33-36; col. 19 lines 46-53, Fig. 16) which is a form of selecting a standard product and selecting an alternative product; assigning a value to an insurance product (Col. 1 lines 45-49); calculating a value index for insurance products (Col. 21 lines 58-60); and using the index to compare the insurance products (Col. 21 lines 58-67; col. 22 lines 1-46).

Ryan does not recite that the index is the ratio of an expected premium to an actual premium; however Bruckner recites the calculation of ratios of expected values over actual values (¶ 31). It would have been obvious to one of ordinary skill in the art to add the teachings of Bruckner to Ryan as both teachings would have performed the same functions when combined as individually and produced the same predictable results.

Claim 2 is rejected under the analysis of claim 1.

12. Claim 3 is rejected, as Ryan discloses the insurance product being an incumbent one (Col. 8 lines 9-13; col. 22 lines 52-62).

13. With respect to claim 5, Ryan discloses accounting for differences in co-payment or coinsurance amounts between insurance products (Col. 4 lines 41-46, col. 6 lines 21-28, e.g. conducting sensitivity analysis on the insurance products to account for differences in premium amounts).

Claim 7 is rejected under the analysis of claim 5.

14. With respect to claim 8, Ryan discloses conducting sensitivity analysis on insurance products which is a form of assessment (Col. 6 lines 21-28). The mathematical steps used in conducting such analysis or assessment is a mere substitution of known techniques for others that yield predictable results (Ex parte Smith, 83 USPQ2d 1509 (Bd. Pat. App. & Int. 2007)).

15. Claim 9 is rejected as Ryan discloses assigning a discretionary premium impact value for a predetermined benefit difference between insurance products (Col. 2 lines 61-63).

16. Regarding claim 10, Ryan teaches a value index being a single number (Fig. 27E).

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Flagg U.S. Patent No. 7,698,158 and Tarter et al. U.S. Patent No. 5,550,734 disclose calculating a ratio of an expected value over an actual value.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VALERIE LUBIN whose telephone number is (571)270-5295. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry O'Connor can be reached on 571-272-6787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/V. L./
Examiner, Art Unit 3626

/C. Luke Gilligan/
Primary Examiner, Art Unit 3626